

# **JUVENILE SEX OFFENDERS: From Investigation to Disposition**

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APAAC Training Center  
Phoenix, Arizona



## **JUVENILE SEX CRIMES INVESTIGATIONS**

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Distributed By:

**ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL**  
1951 West Camelback Rd., Suite 202  
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# JUVENILE SEX CRIMES INVESTIGATIONS

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Lead Detective – General Investigations  
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## Criminal Investigations Division

### 6 Persons Crimes Detectives

- 5-year Rotations
- 2 Permanent Positions
- Forgery to Homicide
- SEX CRIMES

### 2 Property Crimes Detectives

- Burglaries – Vehicle/Residential
- Felony Thefts

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### TRAINING

- Interview/Interrogation
- Evidence Collection
  - Physical/Digital
- Search and Seizure
- Forensic Interviewing
- Confrontation Calls
- Courtroom Testimony
- Report Writing
- Sex Crimes Investigations
- Child Abduction
- Child Abuse
  - Physical/Sexual
- Homicide
  - Adult/Child
- Cell phone/Social Media
- Secondary Trauma

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### TRAINING

- AZHIA Homicide Investigators' Association
- AZCART Child Abduction Response Team
- DV Fatality Review Team
- Infant Fatality Review Team
- Sex Offender Compliance
- Juvenile Crossover Initiative
- Human Trafficking Coalition
- Peer Review
- Multi-Disciplinary Team
- Peer Support - CGPD
- Maricopa FAC Planning
- Articles/Legal Updates

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### PREVIEW

#### VICTIM

Multi-Disciplinary Protocols  
 Juvenile/Adult  
 Initial Report  
 Patrol/Detective Response  
 Forensic Interview  
 Medical Examination  
 Family Advocacy Centers

#### SUSPECT

Juvenile/Adult  
 Interviews/Miranda  
 Parent Involvement  
 Corroboration  
 Charging  
 Other Considerations

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## MULTI-DISCIPLINARY PROTOCOLS

A.R.S. § 8-817

To ensure thorough investigations of those accused of crimes against children, in each county, the county attorney, in cooperation with the sheriff, the chief law enforcement officer for each municipality in the county and the department shall develop, adopt and implement protocols to guide the conduct of investigations of allegations involving criminal conduct.

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## MULTI-DISCIPLINARY PROTOCOLS

While these Protocols specify best practice methods, each case must be approached individually, taking into account each case's unique factors and the differing resources of the many agencies, operating under the Protocol.

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MARCH 2014 PINAL COUNTY MULTI-DISCIPLINARY PROTOCOLS FOR THE JOINT INVESTIGATION OF CHILD ABUSE PAGE 2

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## MUTLI-DISCIPLINARY PROTOCOLS

The Pinal County Multi-Disciplinary Team MDT shall consist of professional representation from the following disciplines:

- A. Law enforcement
- B. Office of Child Welfare Investigations
- C. Child Safety & Family Services
- D. Pinal County Attorney's Office – Attorneys, victim advocates, and FAC staff
- E. Medical professionals
- F. Mental health professionals

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## MULTI-DISCIPLINARY PROTOCOLS – By County

APACHE	2011
COCHISE	1999
COCONINO	2011
GILA	2012
GRAHAM	UNDATED
GREENLEE	UNDATED
LA PAZ	UNDATED
MARICOPA	2008
MOHAVE	UNDATED
NAVAJO	2014
PIMA	2014
PINAL	2014
SANTA CRUZ	2015
YAVAPAI	2012
YUMA	2013

<http://ACFAN.NET>

Office of the Governor of Arizona  
Arizona Children's Justice Act Assessment  
Prepared by Pima Prevention Partnership Program  
Development Services Department

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## CHILD VICTIMS

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## CHILD VICTIMS

When investigating a crime involving a  
Juvenile Suspect,

➤ **95%** of the time you have a Child Victim

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Office of Juvenile Justice Delinquency and Prevention OJJDP

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### CHILD VICTIMS – DIFFERENT FROM ADULTS

- FORENSIC INTERVIEW
- PARENT/DCS INVOLVEMENT
- SUSPECT IS TYPICALLY FAMILY/FRIEND
- NORMAL INTERVIEW
- FAMILY/FRIENDS SUPPORT
- SUSPECT CAN BE FRIEND/STRANGER

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### CHILD VICTIMS – SIMILAR TO ADULTS

- DELAYED DISCLOSURE
- MINIMIZATION
- EVIDENCE
- DRUGS/ALCOHOL
- MINIMIZE NUMBER OF INTERVIEWS

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### INITIAL REPORT

- School
  - Teacher/counselor, friend
- Hospital
  - Pain, pregnancy scare, routine exam
- DCS
  - Disclosure made during unrelated investigation
- Parents
  - Personal observation, child disclosure

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## PATROL RESPONSE - INITIAL STEPS

### NOT TO DO

- Interview child in depth  
Limits number of interviews
- Take custody of child  
If parents are uncooperative, DCS can take custody via Temporary Custody Notice TCN

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## PATROL RESPONSE - INITIAL STEPS

### TO DO

The responding officer may interview the reporting source, away from the victim, witnesses or other reporting sources, in order to:

1. Obtain the facts of the reported crime
2. Determine if the child is in imminent danger
3. Determine if the victim may require medical attention
4. Determine jurisdiction
5. Photographs and evidence if applicable

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March 2014 Pinal County Multi-Disciplinary Protocols For the Joint Investigation of Child Abuse

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## PATROL RESPONSE - INITIAL STEPS

### 4 QUESTIONS TO REPORTING PARTY

#### WHAT HAPPENED ?

- What did victim tell RP
- What questions did RP ask the victim?
- Age of victim is a factor

#### WHO IS SUSPECT?

- Does suspect live with victim?  
DCS – Only if suspect lives in home with victim
- Is suspect aware of allegations/police involvement

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**WHEN**

- Timeframe
- Biological evidence available?

**WHERE**

- Jurisdiction
  - Multiple
- Classroom/School Bathroom/Bus
- Living Room/Bedroom
- Outside/Parks/Alley
- Church
- Vehicles

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**CASE TURNED OVER TO DETECTIVES**

- After Initial Patrol report, the investigation is turned over to Detectives
- Timing of last offense determines priority
  - Call out – determining factors can include
    - Offense occurred 3hrs ago or 3 years ago?
    - Are there Physical Evidence/Medical needs
    - Police notified at 4pm or 2am ?
- Assigned Case

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**INTERVIEW WITH REPORTING PARTY**

CALL OUT – IN PERSON  
 ASSIGNED - OVER THE TELEPHONE

1. OBTAIN FACTS
2. EXPLAIN FORENSIC AND MEDICAL
3. SCHEDULE FORENSIC INTERVIEW

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## FORENSIC INTERVIEW

- Usually conducted at a Family Advocacy Center
- Trained Forensic Interviewer
  - Full-time vs. Trained Detective/Officer
  - Full-time follows NICHD PROTOCOLS
- Pre-Interview with Parent
- Victim Advocate present to advise of services
- Recorded audio/video

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## FORENSIC INTERVIEW

- Only child and interviewer in the room
  - Allows child to tell their story in narrative form
  - Non-leading questions
  - More details about acts
  - Timeframe and Location
- Forensic Interviewer should attempt to narrow time and place – may be less concrete than adults
- School year/significant event/where were they living

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## FORENSIC INTERVIEW – THINGS TO CONSIDER

- Delayed Reporting
- Minimization
- Additional information
- Language, limitations, and disabilities of victim
- Children as trafficking victims

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# FORENSIC INTERVIEW TRAINING

Basic Forensic Interviewing *BFIT*

8 hour

Advanced Forensic Interview Training *AFIT*

40 hour

Beneficial for anyone involved in MDT

PCAAZ.ORG

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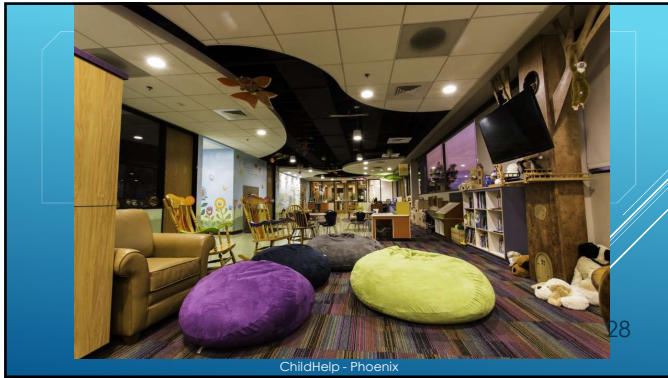
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## MEDICAL EXAMINATION

- Local Hospital personnel will not (should not) examine any reported victim of a sex crime other than ensuring physical safety
- Conducted by Sexual Assault Nurse Examiners (SANE)
- Statements made during medical examination may provide additional details not previously disclosed
- Physical findings and statements are documented in a report that becomes evidence

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## MEDICAL EXAMINATION

BIOLOGICAL EVIDENCE viable for:

- 72 hours Pre-Pubescent
- 120 hours Adults/Pubescent

"Normal is Normal"

Any Biological evidence collected from scene, from clothing, or during medical examination may be submitted to Arizona Department of Public Safety for analysis.

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It is useful to collect buccal swabs from suspect if known.

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## MEDICAL EXAMINATION

- Head-to-toe physical examination
- Document Injuries
  - Internal and external
- STD/Pregnancy testing
- Referral for follow up care

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## OTHER CONSIDERATIONS FOR FORENSIC/MEDICAL

- Child may not consent
  - We will never force any examination or interview
- ARS §13-1414 – Expenses of investigation
  - Any medical or forensic interview expense arising out the need to secure evidence that a person has been the victim of a dangerous crime against children as defined in section 13-705 or a sexual assault shall be paid by the county in which the offense occurred

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## FAMILY ADVOCACY CENTERS

Amberly's Place Yuma  
 Childhelp Children's Center of Arizona Phoenix  
 Childhelp Mobile Children's Center of North Arizona Flagstaff  
 City of Phoenix Family Advocacy Center  
 Childhelp-Gila Children's Advocacy Center Payson  
 Glendale Family Advocacy Center  
 H.A.V.E.N. Family Resource Center Lake Havasu  
 Mesa Center Against Family Violence  
 Navajo County Family Advocacy Center Showlow and Holbrook  
 Northern Arizona Center Against Sexual Assault Flagstaff  
 Pinal County Attorney Family Advocacy Center Eloy and San Tan Valley  
 Safe Child Center Flagstaff  
 Salt River Pima Maricopa Indian Community Family Advocacy Center Scottsdale  
 Sarah's House Kingman  
 Scottsdale Family Advocacy Center  
 Southern Arizona Children's Advocacy Center Tucson  
 Southwest Family Advocacy Center Goodyear  
 Yavapai Family Advocacy Center Prescott Valley

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## JUVENILE SUSPECTS

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## JUVENILE SUSPECT

- Juveniles commit
  - Sexual Assault, Sexual Abuse, Molestation, Bestiality, Child Pornography, Sexting

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## JUVENILE SUSPECT

- Interviews/Interrogations are usually less confrontational than with adults
- Right to have parents present
- Arrest
  - Sight and Sound
  - Timing Issues
- If we do book a suspect
  - Prior approval through Juvenile Attorneys
  - Report/Referral submitted with booking paperwork

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## INTERVIEWS - SETTING

- HOME  
Last resort  
Comfortable/Distractions
- SCHOOL  
If arrest is made at school, police not required to immediately notify parents  
School personnel will usually contact parents regardless of police wishes
- POLICE DEPARTMENT  
Controlled setting  
Audio/Video Recorded

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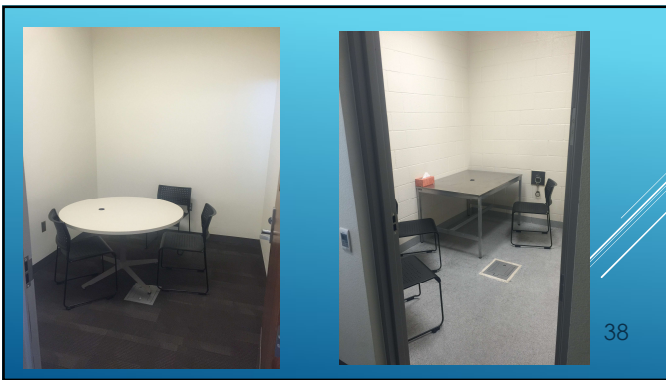
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## INTERVIEWS – PARENTS NOT PRESENT

IF PARENT/GUARDIAN IS NOT PRESENT AT THE TIME OF THE INTERVIEW, HE/SHE WILL NOT BE ALLOWED TO INVOKE THE JUVENILE'S RIGHT TO REMAIN SILENT. QUESTIONS MAY BE ASKED OF THE JUVENILE DESPITE THE PARENTS' WISHES

CGPD POLICY

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## INTERVIEWS – PARENTS PRESENT

- Can strongly encourage their children to tell the truth
- Can immediately invoke or tell child to remain silent
- May be parents to both Suspect and Victim
- May hide/destroy evidence

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## INTERVIEWS - MIRANDA

Always read Miranda – In custody? (Perception)

"A Child's age must be considered in determining whether a child is 'in custody' for the purpose of Miranda

J.D.B. v. North Carolina, 564 U.S.\_\_\_\_(2011) slip opinion 09-11121

(SIGNED MIRANDA FORM WITH EXPLANATIONS)

- YOU HAVE THE RIGHT TO HAVE A PARENT PRESENT DURING ANY QUESTIONING.
- YOU COULD BE CHARGED AS AN ADULT AS DETERMINED BY THE COURT.

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## INTERVIEWS – WHAT WE LOOK FOR

- MENTAL/PHYSICAL LIMITATIONS
- SPECIFICS OF ACTS
- CORROBORATION OF INCIDENTS AND TIME/PLACE
- SUSPECT KNOWLEDGE OF VICTIM'S AGE  
ACTIVITY WITH VICTIM (AGE APPROPRIATE?)
- INDICATORS CONSISTENT WITH GUILT/INNOCENCE  
"SECOND CHANCE" "CRUCIFIXION"  
"I DON'T REMEMBER/I DON'T RECALL" "HELL NO I DIDN'T DO THAT"
- BE AWARE OF FALSE CONFESSIONS

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## INTERVIEWS - TACTICS

### POLICE CAN LIE

"The fact that the police misrepresented statements made is, while relevant, insufficient to make this otherwise voluntary confession inadmissible."

Frazier v. Cupp, 394 U.S. 731 (1969)

"Police may lie about the victim to diminish the suspects fear of confessing...mere deception by the police is not alone sufficient to render a confession inadmissible."

People v. Jordan, 597 N.Y.2d 807 (NY Appellate Division 1993)

"Criminal Activity is such that stealth and strategy are necessary weapons in the arsenal of the police officer."

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United States v. Russell, 411 U.S. 423 (1973)

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## CORROBORATION

- Witnesses
- Confrontation call
- FaceBook/social media
- Biological Evidence
- Confession

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## NO CORROBORATION

- Discuss case with attorneys
- Send over for charging
- If declined, can be reevaluated with additional evidence

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## SEXTING

ARS § 8-309

Unlawful Use of an Electronic Communication Device by a Minor

When a juvenile "Transmits or display a visual depiction of a minor that depicts explicit sexual material"  
Penalty is a Petty offense/Misdemeanor  
Created/used to avoid felony of Sexual Exploitation statute

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## CHILD PORNOGRAPHY

ARS § 13-3553 Sexual Exploitation of a Minor

Knowingly:

1. Recording, filming, photographing, duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct
2. Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing, or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct

Penalty is Class 2 Felony  
If under 15, is a DCAC

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## JUVENILE SEX OFFENDERS

ARS §13-3821(F)

"Any duty to register...for a juvenile adjudication terminates when the person reaches twenty-five years of age"

- Notifications/Flyers not distributed
- Not published on DPS Website
- If Juvenile is on Sex Offender Registry and commits a second registerable offense, including Failure to Register, registration requirement can be for life

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## Things that make cases difficult for investigators

- Relationships between Victim and Suspect
  - Boyfriend/Girlfriend
  - Relatives
- Delayed disclosure
- Minimization
- He said/She said
- Lack of witnesses
- Lack of corroboration
- Lack of evidence
- Lack of cooperation from victim/parents

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## SUMMARY

### VICTIM

Multi-Disciplinary Protocols  
Juvenile/Adult  
Initial Report  
Patrol/Detective Response  
Forensic Interview  
Medical Examination  
Family Advocacy Centers

### SUSPECT

Juvenile/Adult  
Interviews/Miranda  
Parent Involvement  
Corroboration  
Charging  
Other Considerations

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## Training/Informational Websites

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|--|--|
| ➤ ACFAN.net<br>Arizona Child and Family Advocacy Network                           | Links to ALL Arizona County Protocols<br>List of AZ Advocacy Centers                 |
| ➤ NIJ.gov<br>National Institute of Justice   | Law Enforcement/Legal Publications and<br>Training                                   |
| ➤ OJJDP.gov<br>Office of Juvenile Justice and Delinquency<br>Prevention            | Publications/Statistics<br>Training/Technical Assistance                             |
| ➤ PCAAZ.org<br>Prevent Child Abuse Arizona   | Law Enforcement/Legal Training (BRIT/APIT)<br>Warning Signs of Abuse                 |
| ➤ PATC.com<br>Public Agency Training Council                                       | Training by State<br>Legal Articles/Updates  |
| ➤ SHIFTWELLNESS.net<br>Supporting Heroes in Mental Health<br>Foundational Training | Resources for professionals who investigate<br>and prosecute child pornography cases |

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## FINAL THOUGHTS

- SEX CRIMES ARE DIFFERENT
- JUVENILES DIFFERENT THAN ADULTS
- DETECTIVES/ATTORNEYS HAVE TO BE INVESTED
- BE AWARE OF BURN OUT AND SIDE EFFECTS
- COORDINATED EFFORT WITH MDT
- VICTIM-CENTERED APPROACH
- SUCCESS IS SUBJECTIVE/BIG PICTURE
- FORENSIC (ALL) / MEDICAL (Most)

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## CONTACTS:

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